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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,370	11/25/2003	Kevin P. Cowan	CT/03-015	8594
21140 GREGORVIII	7590 01/10/200	8 .	EXAMINER	
GREGORY L BRADLEY MEDRAD INC ONE MEDRAD DRIVE INDIANOLA, PA 15051			WITCZAK, CATHERINE	
			ART UNIT	PAPER NUMBER
11.5.11.10.51			3767	
			MAIL DATE	DELIVERY MODE
			01/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

(	Application No.	Applicant(ş)				
	10/722,370	COWAN, KĘVIŅ P.				
Office Action Summary	Examiner	Art Unit '				
	Catherine N. Witczak	3767				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 6(a). In no event, however, may a reply be ti ill apply and will expire SIX (6) MONTHS fron cause the application to become ABANDONI	N. mely filed n the mailing date ρf this communication. ED (35 U.S.C. § 133).				
Status						
Responsive to communication(s) filed on 29 Oct     This action is FINAL. 2b) ☐ This     Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. ice except for formal matters, pr					
Disposition of Claims		·				
4) ☐ Claim(s) 1,11-13 and 16 is/are pending in the a 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1,11-13 and 16 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applica ity documents have been receiv (PCT Rule 17.2(a)).	tion No ved in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail [ 5) Notice of Informal 6) Other:	Date				

Part of Paper No /Mail Date 20080102

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## **DETAILED ACTION**

## Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2007 has been entered.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 1, 11-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Trull (US 1. 5,947,929).

Claims 1 and 13: Trull discloses in Figures 2 and 4 an injector comprising a housing (60) and a drive member (40) comprising a retaining member and outwardly extending flange member; a syringe (10) comprising a body and a plunger (24) comprising a wall/base member (80) having an outer surface (82) and inner surface (80) defining a retaining shoulder (86) and inwardly projecting flanges/connection members (30) which are fixedly disposed in a longitudinal direction on the retaining shoulder and spaced along the inner surface (80) of the cylindrical wall; wherein at least one retaining member on the drive member is adapted to engage with the retaining shoulder to enable the drive member to retract the plunger; and wherein the inwardly projecting flanges are adapted to engage the engaging flange members

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on the drive when the syringe is rotated about its longitudinal axis operable to cause the retaining member

to disengage the retaining shoulder (column 6, lines 46-56).

Claims 12 and 16: Trull discloses in Figure 4 the plurality of flanges spaced evenly, radially, and

longitudinally along the wall.

Claim 11: Trull discloses in Figure 11 the interior surface of the wall defining a retaining shoulder formed

on an axial plane and the plurality of inwardly projecting flanges radially spaced along the interior surface

of the wall and extending in a longitudinal direction proximal to the retaining shoulder.

Response to Arguments

Applicant's arguments filed 10/29/2007 have been fully considered but they are not persuasive.

Examiner considers part 80 of the plunger (24) to be the inner wall, which as seen in Figure 6, has what

can clearly be considred a retaining shoulder, 86. It is from this shoulder and the inner wall from which

the inwardly projecting flanges (96 in figure 6) project. As Applicant themselves point out "essentially,

Trull discloses flexible resilient engagement members (30) that extend from the circumferential surface

portion 88." Since portion 88 is a component of 80 (the inner wall), it is clear that Trull disclose the

flanges being supported by the inner surface of the cylindrical wall.

Conclusion

All claims are drawn to the same invention claimed in the earlier application and could have been

finally rejected on the grounds and art of record in the next Office action if they had been entered in the

earlier application. Accordingly, THIS ACTION IS MADE FINAL even though it is a first action in

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this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can

normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin

Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

For more information about the PAIR system, see http://pairthrough Private PAIR only.

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CANADA) or 571-272-1000. Jels/ 1 mm

KEVIN C. SIRMONS SUPERVISORY PATENT EXAMINER